

RECEIVED

#227106,

RESPONDENTS.

)
)
)
)
)
)
)
)
)

NOTICE OF PARTIAL FILING OF EXHIBIT

“...The records of Ligon’s guilty plea proceeding are encompassed in that record on appeal. As initially noted by

State of Alabama in its Appellee's Brief before the Alabama Court of Criminal Appeals in that litigation, portions of that record are illegible."

Respondents' Answer p. 2, n. 1.

2. The record on appeal, both the legible and illegible portions, was submitted as Exhibit 1A to the Court in a good faith effort to provide it with that record in its entirety. As demonstrated in said Answer, Ligon's petition before this Court is due to be dismissed as untimely and due to his failure to exhaust his state court remedies; the illegible portions of Exhibit 1A have no effect on those grounds for dismissal.

3. The District Court Clerk refused to accept or docket said Exhibit 1A, or the paper copy of said Answer, due to the presence of illegible portions of Exhibit 1A. This Court has already accepted the electronic filing of the Respondents' Answer, however, as evidenced by this Court's August 24, 2005 order directing Ligon to show cause why his petition should not be denied as untimely.

4. Attached to the instant "Notice of Partial Filing of Exhibit" is a revised version of Exhibit 1A, and a document stating that Pages 74-99 of that exhibit have been retracted and deemed illegible by the Respondents. If need be, those pages may be again reproduced for this Court. A second paper copy of the Respondents' August 23, 2005 Answer is also submitted.

Respectfully submitted,

Troy King(KIN047)

Attorney General

By:

/s/Marc A. Starrett

Marc A. Starrett

Assistant Attorney General

ID #STARM1168

A handwritten signature in black ink, appearing to read 'Marc A. Starrett', written over a horizontal line.

REVISED EXHIBITS:


Exhibit 1A: Record on appeal in Ligon's postconviction proceeding, Ligon v. State of Alabama, Russell County Circuit Court CC-01-352.60-356.60, Alabama Court of Criminal Appeals CR-03-1173.

Please note that pages 74-99 of this record have been retracted as illegible, as those pages were also illegible in the original record on appeal before the Alabama Court of Criminal Appeals.

CERTIFICATE OF SERVICE

I hereby certify that on this the ^{25th}~~24th~~ day of August, 2005, I electronically filed the foregoing, excluding revised Exhibit 1A which will be mailed separately, with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

Terry Ligon, AIS #220217
Ventress Correctional Facility
P.O. Box 767
Clayton, Alabama 36016


/s/Marc A. Starrett
Marc A. Starrett (STARM1168)
Office of the Attorney General
Alabama State House
11 South Union
Montgomery, AL 36130-0152
Telephone: (334) 242-7300
Fax: (334) 242-2848
E-Mail: MStarrett@AGO.State.AL.US

ADDRESS OF COUNSEL:

Office of the Attorney General
Criminal Appeals Division
11 South Union Street
Montgomery, Alabama 36130-0152
(334) 242-7300
217304/Ligon
84359-001